

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

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Illinois Commerce Commission
RAIL SAFETY SECTION

UNION PACIFIC RAILROAD COMPANY)
)
Petitioner,)
)
vs.) TO1-0040
)
TOWNSHIP OF GENEVA, STATE OF ILLINOIS)
and the ILLINOIS DEPARTMENT OF)
TRANSPORTATION,)
)
Respondents.)

GENEVA TOWNSHIP HIGHWAY COMMISSIONER
JOHN CARLSON'S RESPONSE TO THE UNION PACIFIC'S EVIDENTIARY
FILING

NOW COMES THE RESPONDENT, GENEVA TOWNSHIP HIGHWAY COMMISSIONER JOHN CARLSON (hereinafter "Highway Commissioner"), by and through his attorneys, BOND, DICKSON & ASSOCIATES, P.C., and makes this response to the PETITIONER, UNION PACIFIC'S (hereinafter "UP") Evidentiary Filing.

In response to the Administrative Law Judge's ruling on Standing Administrative Procedure, the UP filed an exhibit which sets forth detailed information about the twenty (20) most recently closed UP crossings in Illinois in which "safety" was one of the reasons given for the closure of the crossing. Pursuant to the Administrative Law Judge's Ruling, the Highway Commissioner can request an evidentiary hearing on this information. The Highway Commissioner hereby requests such a hearing, or, if the Administrative Law Judge would allow an alternative, the Highway Commissioner, instead seeks the following additional information be added by the UP to its submission, which information may obviate the need

DOCKETED

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for said hearing:

1. As to each crossing, please provide information as to whether signalization was present at the crossing on the date of the incident, and if so, the nature of the signalization present.
2. As to each incident, please provide the:
 - Date of the incident;
 - Nature of the incident; and
 - Number of daily trains as of the date of each incident.
3. As to each crossing, whether the crossing is in an incorporated village or town?
4. As to each crossing, was there opposition to the closing of the crossing?
5. Does the UP list "safety" as a reason for every closure sought?

WHEREFORE, the Respondent, John Carlson, Geneva Township Highway Commissioner, respectfully requests an evidentiary hearing as to the filing of the Union Pacific in response to the Administrative Law Judge's ruling, or, alternatively, augmentation of the UP filing to respond to the questions posed herein.

Respectfully Submitted,

GENEVA TOWNSHIP HIGHWAY
COMMISSIONER, JOHN CARLSON

By: 

Mary E. Dickson
One of his Attorneys

BOND, DICKSON & ASSOCIATES, P.C.
203 E. Liberty Drive
Wheaton, IL 60187
630/681-1000

STATE OF ILLINOIS
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NOTICE OF FILING

To: SEE ATTACHED SERVICE LIST

PLEASE TAKE NOTICE that on the 14th day of February, 2005, the Respondent, GENEVA TOWNSHIP HIGHWAY COMMISSIONER JOHN CARLSON, filed an original and three copies of his Response to the Union Pacific's Evidentiary Filing via U.S. Mail to David Lazarides, Director of Processing and Information, Illinois Commerce Commission, 527 E. Capitol Avenue, Springfield, Illinois 62794-9280. A copy of this document is attached hereto and herewith served upon you.

GENEVA TOWNSHIP HIGHWAY
COMMISSIONER JOHN CARLSON

By: 
Mary E. Dickson, One of his Attorneys

BOND, DICKSON & ASSOCIATES, P.C.
203 E. Liberty Drive
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PROOF OF SERVICE

I, Mary E. Dickson, an attorney, state that I served this Notice of Filing and document referred to therein upon the individuals named on the attached Service List via U.S. Mail, with proper postage prepaid, and via electronic transmission to Bernadette Cole and Diana Gertrude Collins on this 14th day of February, 2005.

Signed to and sworn before me this
14th day of February, 2005.


NOTARY PUBLIC



SERVICE LIST
Case No. T01-0040

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Mr. Victor A. Modeer, Director of Highways
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